



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

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House: House of Representatives

Minister: Minister in the Ministry of  
the Attorney General and Legal Affairs

HOR Bill No: 1 of 2019

Links: The links to the Bill, and its  
progress can be found on the Bill's  
home page through the Parliament's  
website, [www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

BILL ESSENTIALS NO. 8, 2018–19

6 February, 2019

## The Trespass (Amendment) Bill, 2019

### Table of Contents

<b>BACKGROUND</b> .....	2
<b>KEY FEATURES OF THE BILL</b> .....	2
Long Title .....	2
Interpretation .....	2
Deletion of Existing Definitions .....	2
Amendment of Existing Definitions .....	2
Insertion of New Definitions .....	2
Persons found in or about enclosed yard or cultivated lands, etc. at night.....	3
Trespass on lands where notice is placed or refusing to quit.....	3
Fastening vessel etc. to private wharf or landing place where Notice is placed.....	3
Forcible Entry & Forcible Detainer.....	3
Regulations .....	3
<b>COMPARATIVE LEGISLATION</b> .....	4
Barbados .....	4
St Lucia .....	4
<b>REFERENCES</b> .....	5
Related Legislation .....	5
Comparative Legislation .....	5

## BACKGROUND

1. **The Trespass (Amendment) Bill, 2019<sup>1</sup>** (hereinafter referred to as “the Bill”) seeks to amend the existing **Trespass Act Chap. 11:07<sup>2</sup>** (hereinafter referred to as “the Act”).
2. This Bill was introduced in the House of Representatives by the Minister in the Ministry of the Attorney General and Legal Affairs the Honourable Fitzgerald Hinds on January 11, 2019.

## KEY FEATURES OF THE BILL

### Long Title

3. **Clause 3** of the Bill proposes to amend the long title of the Act by inserting the words ‘*and other premises*’ after the word ‘*lands*’. The Long Title of the Act as amended now stands as follows: “*An Act for the prevention of willful trespass on lands **and other premises.***”

### Interpretation

4. **Clause 4** of the Bill proposes to amend **Section 2** of the Act by deleting and amending existing definitions and also inserting new definitions.

### Deletion of Existing Definitions

5. **Clause 4** of the Bill proposes to delete the following definition as contained in **Section 2** of the Act:
  - “*Night-time*”

### Amendment of Existing Definitions

6. **Clause 4** of the Bill proposes to amend the definition of “Owner” as contained in **Section 2** of the Act:

### Insertion of New Definitions

7. **Clause 4** of the Bill proposes to introduce the following definitions:
  - “*Dwelling House*”
  - “*Enclosed Yard*”
  - “*Occupier*”
  - “*Premises*”

<sup>1</sup> <http://www.ttparliament.org/publications.php?mid=28&id=823>

<sup>2</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.07.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.07.pdf)

### Persons found in or about enclosed yard or cultivated lands, etc. at night

8. **Clause 5** of the Bill proposes to amend **Section 3** of the Act by deleting the words “*night-time*” and increasing the existing penalty from imprisonment of three months to a fine of fifty thousand dollars (\$50,000.00) and to imprisonment for ten (10) years.

### Trespass on lands where notice is placed or refusing to quit

9. **Clause 6** of the Bill proposes to amend **Section 4** of the Act by increasing the existing penalty from a fine of two hundred dollars (\$200.00) to a fine of fifty thousand dollars (\$50,000.00) and to imprisonment for ten (10) years.

### Fastening vessel etc. to private wharf or landing place where Notice is placed

10. **Clause 7** of the Bill proposes to amend **Section 5** of the Act by increasing the existing penalty from a fine of two hundred dollars (\$200.00) to a fine of fifty thousand dollars (\$50,000.00) and to imprisonment for ten (10) years.

### Forcible Entry & Forcible Detainer

11. **Clause 8** of the Bill proposes to insert a new **Section 5A** and **Section 5B** immediately following the existing **Section 5** of the Act.
12. Proposed new **Section 5A** makes it an offence for a person to use force, threats or intimidation to enter land or dwelling house in lawful possession of another person to expel the rightful owner and take possession of such land or dwelling house other than in pursuance of a court order or other lawful authority. Such person/s would be liable on summary conviction to a fine of one hundred thousand dollars (\$100,000.00) and to imprisonment for fifteen (15) years.
13. Proposed new **Section 5B** makes it an offence for a person to unlawfully maintain or attempt to maintain their possession or occupation of any land or dwelling house by force or in a manner that would render the use of force as the only reasonable and practicable means to recover lawful possession of the land or dwelling house from such person/s. Such person/s would be liable on summary conviction to a fine of one hundred thousand dollars (\$100,000.00) and to imprisonment for fifteen (15) years.

### Regulations

14. **Clause 9** of the Bill proposes to insert a new **Section 9A** immediately following the existing **Section 9** of the Act.
15. Proposed new **Section 9A** enables the Minister to make Regulations subject to the negative resolution of Parliament, which may be necessary or expedient for the purposes of carrying out or giving effect to the provisions of the Act.

16. Such Regulations may provide that contravention of any such Regulation would constitute an offence with prescribed penalties for any offence not exceeding twenty-five thousand dollars (\$25,000.00) and imprisonment for five (5) years.

**COMPARATIVE LEGISLATION**

NAME OF ACT	SIMILARITIES WITH THE BILL	DIFFERENCES WITH THE BILL
<b>BARBADOS</b>		
<p>Trespass to Property (Reform) Act Chapter 155B</p>	<ul style="list-style-type: none"> <li>▪ The definition of ‘premises’ in the Act also includes land, structures, ships and vessels, portable structures, motor vehicles and aircraft except while in motion.</li> <li>▪ The Act makes it an offence for a person to unlawfully use or threaten violence to secure entry into any premises for himself.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Act also makes it an offence for a person to unlawfully use or threaten violence to secure entry into any premises for another person.</li> <li>▪ The Act also establishes a necessary element for the offence of trespass with violence that the person using or threatening violence knows or ought to know that their entry was opposed.</li> <li>▪ The Act makes it an offence for a trespasser upon any premises to be in possession of a weapon.</li> <li>▪ The Act also makes it an offence to deface any building, structure, wall, fence, tree or pale.</li> <li>▪ The penalties imposed under the Act in respect of a first offence a fine not exceeding \$250 or imprisonment for 3 months and subsequent offences a fine of \$1,000 or imprisonment for 6 months.</li> </ul>
<b>ST LUCIA</b>		
<p>Criminal Code Cap. 3.01</p>	<ul style="list-style-type: none"> <li>▪ The Act makes it an offence to unlawfully enter upon any land belonging to another person in</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Act also makes it an offence to behave in an insulting, annoying or threatening manner</li> </ul>

	<p>an insulting, annoying or threatening manner.</p>	<p>after lawfully entering upon such premises or to remain on such premises after having been lawfully required to depart.</p> <ul style="list-style-type: none"><li>▪ The Act also makes it an offence to enter without lawful authority or excuse upon crown lands, school land or building, health centre/clinic, hospital or other public building including parts of such buildings with restricted access to the public.</li><li>▪ The penalties imposed under the Act for persons found liable would be on summary conviction a fine of \$1,000.</li></ul>
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## REFERENCES

### Related Legislation

- **The Trespass Act – Chap. 11:07**  
<http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical List/lawspdfs/11.07.pdf>

### Comparative Legislation

#### BARBADOS

- **Trespass to Property (Reform) Act Chapter 155B**  
<http://extwprlegs1.fao.org/docs/pdf/bar80857.pdf>

#### ST LUCIA

- **Criminal Code Cap. 3.01**  
<http://saintluciaconsulateny.org/wp-content/uploads/2014/08/Criminal-Code1.pdf>



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